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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,690	03/07/2002	Thomas Bartl	02P03755US	2489

7590

08/03/2004

Attn: Elsa Keller, Legal Administrator
Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

AMINZAY, SHAIMA Q

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 08/03/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,690

Applicant(s)

BARTL ET AL.

Examiner

Shaima Q. Aminzay

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 5-10 is/are allowed.
6) ☒ Claim(s) 1, 11 and 15 is/are rejected.
7) ☒ Claim(s) 2-4 and 12-14 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Application Filed: 03/07/2002.
2. Independent Claims 1, 11, and 15 are pending in the case.
3. Independent claim 5, and dependent claims 6-10 are allowed.
4. Dependent claims 2-4, and 12-14 are objected.
5. The present title of the application is "Combined open and closed loop power control with differential measurement".

NON-FINAL ACTION

Claim Rejections - 35 USC § 103

- ◆ The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- ◆ Claims 1, 11, and 15 are rejected under 35 U.S.C.103(a) as being unpatentable over Mochizuki U. S. Patent 6580901, in view of Lomp U. S. Publication 20020118653.

6. Regarding claims 1, 11, and 15, Mochizuki teaches a telecommunications system comprising (see for example, column 1, lines 9-13): first mode, an open

loop power controller adapted to maintain a phasing table and a channel-temperature table (see for example, column 5, lines 58-65, and column 7, lines 60-63, the open loop controller maintaining channel-temperature (a saturated type high power amplifier), and control unit Figure 6 (8) maintaining temperature and phase table), and a second mode, closed loop power controller adapted to receive a power detector output (see for example, column 5, lines 65-67 continued to column 6, lines 1-6), and the closed loop power controller receives said power detector output during a transmit burst and after a transmit burst (see for example, column 6, lines 38-55, the continued to column 6, lines 1-6).

However, Mochizuki does not teach specifically the open loop power controller is adapted to provide a power set (APC) value in a first mode.

Lomp teaches the open loop power controller is adapted to provide a power set (APC) value in a first mode (see for example, paragraph [0006], lines 1-8, and 15-23, providing ACP with open loop power controller).

It would have been obvious to one of ordinary skill in the art at the time invention was made to combine Lomp's telecommunication system automatic power control (APC) function with Mochizuki's open-loop and closed-loop telecommunication system (see for example, column 5, lines 58-67) to provide a telecommunication system "which minimizes the system's overall power requirements" and controls the initial transmit power level of a remote user and manages total system capacity (Lomp, paragraph [0034], lines 19-23).

Allowable Subject Matter

7. Claims 5, 6, 7, 8, 9, and 10 are allowed.

Reasons for Allowance

8. The following is an examiner's statement of reason for allowance:

The prior art specifically Mochizuki and Lomp, failed to render obviousness in combination or individually and failed to anticipate individually the following underlined limitations:

"A telecommunications method for controlling transmit power in a wireless telecommunications device, comprising: initializing first and second phasing tables, the first phasing table comprising pre-initialized power level and power set values, said second phasing table comprising pre-initialized power detector and power level values; initializing a channel-temperature table, said channel temperature table comprising a two-dimensional table of power set values with temperature and channel; generating a power set value using said first phasing table and said channel-temperature table in an open loop mode; and generating a power set value by reading a power detector and accessing said second phasing table in a closed loop mode, wherein in said second mode said power detector is read while a transmitter is on and while a transmitter is off", as

disclosed in claim 5.

9. Claims 2-4, and 12-14 are objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

As to claims 2, and 12, "first phasing table comprising pre-initialized power level and power set values".

As to claims 3, and 13, "said second phasing table comprising pre-initialized power detector and power level values".

As to claims 4, and 14, "channel temperature table comprising a two-dimensional table of power set values with temperature and channel".

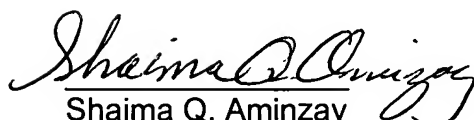
Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 form.

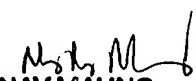
Inquiry

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 703-305-8723. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Shaima Q. Aminzay
(Examiner)

July, 20, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER
Nay Maung
(SPE)
Art Unit 2684